

FILED '05 NOV 17 16:06 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

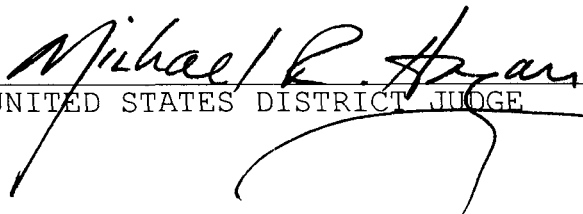
JENNIFER J. AUSTIN and LYZETTE)	
M. ELSNER,)	
Plaintiffs,)	
v.)	Civil No. 05-6261-TC
THE MEN'S WEARHOUSE, INC.,)	ORDER
Defendant.)	
_____)	

Magistrate Judge Thomas M. Coffin filed his Findings and Recommendation on October 24, 2005. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1982). See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Judge Coffin's Findings and Recommendation. Defendant's motion to dismiss (#7) is granted as to plaintiffs' negligence claims, and denied as to plaintiffs' intentional tort claims, without prejudice as to plaintiffs' compensatory damages prayer contained in their ORS 659A.030 claims, pending plaintiffs' filing of an amended complaint.

IT IS SO ORDERED.

DATED this 17th day of Nov., 2005.


UNITED STATES DISTRICT JUDGE